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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/768,419

02/02/2004

Satoshi Murakami

0756-7245

6965

31780

7590

08/22/2006

ERIC ROBINSON

PMB 955

21010 SOUTHBANK ST.

POTOMAC FALLS, VA 20165

EXAMINER

GOKHALE, SAMEER K

ART UNIT

PAPER NUMBER

2629

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/768,419

Applicant(s)

MURAKAMI ET AL.

Examiner

Sameer K. Gokhale

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/147,924.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-13 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. US 6,717,181.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter claimed in the instant application is fully disclosed in the '181 patent and is covered by the '181 patent since they are both claiming common subject matter, as follows:

3. Comparison of instant application claims 1-13 to the '181 patent:

| Instant Application S/N: 10/768,419  | US 6,717,181   |
|--|--|
| <p>1. A display device comprising: a casing;<br/>a speaker portion mounted on the casing;<br/>and a display portion mounted on the casing, the display portion having....</p> <p>4. A mobile computer comprising: a casing; operation keys mounted on the casing; and a display portion mounted on the casing, the display portion having.....</p> <p>7. A cellular phone comprising: a casing;<br/>an audio input portion mounted on the casing; an audio output portion mounted on the casing; operation keys mounted on the casing; and a display portion mounted on the casing, the display portion having....</p> | <p>6. The device according to claim 1 wherein said luminescent device is incorporated into one selected from the group consisting of a digital still camera, a laptop computer, a mobile computer, a portable image reproducing device, a goggle type display, and a cellular phone.</p> |

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|---|---|
| <p>...(common to claims 1, 4, and 7): a luminescent device comprising: a thin film transistor provided over an insulating surface of a substrate; a luminescent element electrically connected with said thin film transistor, said luminescent element comprising an organic compound layer, an anode and a cathode, said cathode containing an alkaline metal; at least one insulating layer provided between said thin film transistor and said luminescent element, said insulating layer capable of adsorbing said alkaline metal.</p> | <p>1. A luminescent device comprising: a thin film transistor provided over an insulating surface of a substrate; a luminescent element electrically connected with said thin film transistor, said luminescent element comprising an organic compound layer, an anode and a cathode, said cathode containing an alkaline metal; at least one insulating layer provided between said thin film transistor and said luminescent element, said insulating layer capable of adsorbing said alkaline metal.</p> |
| <p>2. A display device comprising: a casing; a speaker portion mounted on the casing; and a display portion mounted on the casing, the display portion having....</p> <p>5. A mobile computer comprising: a casing; operation keys mounted on the casing; and a display portion mounted on the casing, the display portion having.....</p>  | <p>12. The device according to claim 7 wherein said luminescent device is incorporated into one selected from the group consisting of a digital still camera, a laptop computer, a mobile computer, a portable image reproducing device, a goggle type display, and a cellular phone.</p>   |

8. A cellular phone comprising: a casing;  
an audio input portion mounted on the  
casing; an audio output portion mounted  
on the casing; operation keys mounted on  
the casing; and a display portion mounted  
on the casing, the display portion  
having....

...(common to claims 2, 5, and 8): a  
luminescent device comprising: a thin film  
transistor provided over an insulating  
surface of a substrate; a luminescent  
element electrically connected with said  
thin film transistor, said luminescent  
element comprising an organic compound  
layer, an anode and a cathode, said  
cathode containing an alkaline metal; at  
least one insulating layer provided  
between said thin film transistor and said  
cathode, said insulating layer capable of  
adsorbing said alkaline metal.

7. A luminescent device comprising: a thin  
film transistor provided over an  
insulating surface of a substrate; a  
luminescent element electrically  
connected with said thin film transistor,  
said luminescent element comprising  
an organic compound layer, an anode and  
a cathode, said cathode containing an  
alkaline metal; at least one insulating  
layer provided between said thin film  
transistor and said cathode, said insulating  
layer capable of adsorbing said  
alkaline metal.

|  |  |
|--|--|
| <p>3. A display device comprising: a casing;<br/>a speaker portion mounted on the casing;<br/>and a display portion mounted on the<br/>casing, the display portion having....</p> <p>6. A mobile computer comprising: a<br/>casing; operation keys mounted on the<br/>casing; and a display portion mounted on<br/>the casing, the display portion having.....</p> <p>9. A cellular phone comprising: a casing;<br/>an audio input portion mounted on the<br/>casing; an audio output portion mounted<br/>on the casing; operation keys mounted on<br/>the casing; and a display portion mounted<br/>on the casing, the display portion<br/>having....</p> <p>...(common to claims 3, 6, and 9): a<br/>luminescent device comprising: a thin film<br/>transistor provided over an insulating<br/>surface of a substrate; a luminescent</p> | <p>18. The device according to claim 13<br/>wherein said luminescent device is<br/>incorporated into one selected from the<br/>group consisting of a digital still<br/>camera, a laptop computer, a mobile<br/>computer, a portable image reproducing<br/>device, a goggle type display, and a<br/>cellular phone.</p> <p>13. A luminescent device comprising: a<br/>thin film transistor provided over<br/>an insulating surface of a substrate; a<br/>luminescent element electrically</p> |
|--|--|

|  |   |
|--|---|
| element electrically connected with said thin film transistor, said luminescent element comprising an organic compound layer, an anode, and a cathode, said cathode containing an alkaline metal; at least one transparent insulating layer provided between said thin film transistor and said cathode, said insulating layer capable of adsorbing said alkaline metal. | connected with said thin film transistor, said luminescent element comprising an organic compound layer, an anode, and a cathode, said cathode containing an alkaline metal; at least one transparent insulating layer provided between said thin film transistor and said cathode, said insulating layer capable of adsorbing said alkaline metal. |
| 10. The apparatus according to any one of claims 1 to 9, wherein said at least one insulating layer comprises a silicon nitride film containing fluorine at a concentration of $1 \times 10^{19} / \text{cm}^3$ or more.   | (2, 8, 14): The device according to (claims 1, 7, or 9) wherein said at least one insulating layer comprises a silicon nitride film containing fluorine at a concentration of $1 \times 10^{19} / \text{cm}^3$ or more.   |
| 11. The apparatus according to any one of claims 1 to 9, wherein said at least one insulating layer comprises an organic resin film containing a particle comprising an antimony (Sb) compound, a tin (Sn) compound, or indium (In) compound.  | (3, 9, 15): The device according to (claims 1, 7, or 9) wherein said at least one insulating layer comprises an organic resin film containing a particle comprising an antimony (Sb) compound, a tin (Sn) compound, or indium (In) compound.  |
| 12. The apparatus according to any one of claims 1 to 9, said at least one insulating  | (4, 10, 16): The device according to (claims 1, 7, or 9) said at least one  |

|   |   |
|---|---|
| layer comprises a laminated layer of a silicon nitride film containing fluorine at a concentration of<br><br>1.times.10.sup.19/cm.sup.3 or more and an organic resin film containing a particle comprising an antimony (Sb) compound, a tin (Sn) compound, or indium (In) compound. | insulating layer comprises a laminated layer of a silicon nitride film containing fluorine at a concentration of<br><br>1.times.10.sup.19 /cm.sup.3 or more and an organic resin film containing a particle comprising an antimony (Sb) compound, a tin (Sn) compound, or indium (In) compound. |
| 13. The apparatus according to any one of claims 1 to 9, said insulating layer comprises a silicon oxynitride film or a silicon oxide film containing fluorine at a concentration of<br><br>1.times.10.sup.19/cm.sup.3 or more.   | (5, 11, 17): The device according to (claims 1, 7, or 9) said insulating layer comprises a silicon oxynitride film or a silicon oxide film containing fluorine at a concentration of<br><br>1.times.10.sup.19/cm.sup.3 or more.   |

4. The differences between the claims are as follows:

Claims 1, 2 and 3 of the instant application recite : "A display device comprising: a casing; a speaker portion mounted on the casing; and a display portion mounted on the casing....". Claims 4, 5, and 6 of the instant application recite "A mobile computer comprising: a casing; operation keys mounted on the casing; and a display portion mounted on the casing....". Claims 7, 8 and 9 of the instant application recite: "a cellular phone comprising: a casing; an audio input portion mounted on the casing; an

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audio output portion mounted on the casing; operation keys mounted on the casing; and a display portion mounted on the casing, ...". The features recited above are not essential to the instant application and would have been obvious for a luminescent device as claimed in the '181 patent which also applies to "the group consisting of a digital still camera, a laptop computer, a mobile computer, a portable image reproducing device, a goggle type display, and a cellular phone." (claims 6, 12, and 18 of the '181 patent).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention that the missing elements in the '181 patent were not essential to distinguish the instant application from the '181 patent.

Examiner notes that although the instant application is a divisional application of the '181 patent, the existing claims are not responsive to the restriction issued during the prosecution of the '181 patent because the claims of the instant application do not incorporate the distinguishing subject matter of the non-elected claims stemming from the restriction.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Inukai (US 20020180671) teaches a display driving device with a cathode containing an alkaline element. Yamazaki et al. (US 6,852,997) teaches a device with a cathode containing an alkaline metal.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameer K. Gokhale whose telephone number is (571) 272-5553. The examiner can normally be reached on M-F 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SKG  
August 18, 2006

SKG  
Examiner  
Art Unit 2629

A handwritten signature in black ink, appearing to read 'B. Shalwala', with a stylized flourish at the end.

BIPIN SHALWALA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600